

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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Vision of Elk River, Inc.,

Petitioner,

v.

Case No.: 14-1301

National Labor Relations Board,

Respondent.

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**PETITIONER'S STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Court's Order of December 30, 2014, the Petitioner Vision of Elk River, Inc. (Vision), sets forth its Statement of Issues it expects to raise in this proceeding:

1. Whether substantial evidence supports the National Labor Relations Board's Decision's findings, in its Agency Case No. 18-CA-19200, that Vision violated Sections 8(a)(1), 8(a)(3) and 8(a)(4) of the National Labor Relations Act ("Act"), 29 U.S.C. § 158 (a)(1), § 158(a)(3) and §158(a)(4), by selecting the alleged discriminatees for layoff, including, but not limited to:

A. Whether the National Labor Relations Board erred in finding Vision had knowledge of the alleged discriminatees' protected activities?

B. Whether the National Labor Relations Board erred in finding that Vision had animus toward the alleged discriminatees' protected activities, where, among other matters, union organizing activities had ceased over two years prior to Vision's layoff of the alleged discriminatees?

C. Whether the National Labor Relations Board erred in finding Vision's layoff of the alleged discriminatees was motivated by animus toward their protected activities, where the only evidence of animus related to individuals who were not decision makers in the selection process for the layoff?

D. Whether the National Labor Relations Board erred in finding Vision's methodology for selecting employees for layoff was pretext for discrimination based on errors and subjectivity within that process, where there is no evidence the decision maker had knowledge of the alleged discriminatees' protected activities or had animus toward those activities?

Dated: January 28, 2015

/s/ Jon S. Olson

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ATTORNEYS FOR PETITIONER,  
VISION OF ELK RIVER, INC.

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that a true and correct copy of the foregoing PETITIONER'S STATEMENT OF ISSUES TO BE RAISED was served on the following by the Court's electronic-filing system on January 28, 2015:

Linda Dreeben  
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National Labor Relations Board  
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Washington, D.C. 20570-0001

Greg Paul Lauro  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20570-0001

The undersigned attorney further certifies that a true and correct copy of the foregoing PETITIONER'S STATEMENT OF ISSUES TO BE RAISED was served via first-class mail, postage prepaid on the following on January 28, 2015.

Susie Stetler  
920 Newbury Street  
Rippon, WI 54971

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